

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

----- X	
SHAKUR WINGATE,	:
	:
Plaintiff,	:
	:
- against -	:
	:
DR. IMTIAZ SAMAD; DR. SUBBARAO	:
RAMINENI; MICHELLE CHERI; and	:
JOHN/JANE DOES 1-5,	:
	:
Defendants.	:
	X-----

**ATTORNEY
DECLARATION**
9:25-cv-00207
(BKS/TWD)

JONATHAN P. PILAT, ESQ., pursuant to § 1746 of Title 28 of the United States Code, declares the following to be true and correct under penalty of perjury under the laws of the United States of America:

1. I am an Assistant Attorney General for the State of New York and appear on behalf of Defendants IMTIAZ SAMAD, M.D., SUBBARAO RAMINENI, M.D.; and MICHELLE CHERI, R.N. in this action.
2. I make this Declaration in support of Defendants' motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6).

RELEVANT PROCEDURAL HISTORY

3. On or about February 12, 2025, Plaintiff filed the Complaint commencing the instant matter. ECF No. 1.
4. On or about April 11, 2025, Plaintiff filed his First Amended Complaint. ECF No. 12.
5. Within said First Amended Complaint, Plaintiff asserts that the Defendants were

deliberately indifferent to the decedent's medical needs in violation of his Eighth Amendment rights under 42 U.S.C. § 1983. *See* ECF No. 12.

6. On or about April 11, 2025, upon letter request, this Court granted Plaintiff an additional thirty (30) days to serve the First Amended Complaint. *See* ECF Nos. 14-16.

7. Affirmations of Service reflect that Defendant Samad was served by substitute service on April 19, 2025, Defendant Ramineni was personally serviced on April 21, 2025, and Defendant Cheri was served by substitute service on April 23, 2025. *See* ECF Nos. 19-21.

8. As requested in the undersigned's letter of May 12, 2025, this Court granted the Defendants' request for extension to respond to the First Amended Complaint through June 13, 2025, thereby making this Motion timely as served on or before aforesaid date. *See* ECF Nos. 22-23.

9. As more fully set forth in the accompanying Memorandum of Law, Defendants herein move to dismiss Plaintiff's Complaint against them pursuant to Fed. R. Civ. P. §12 (b)(6), in its entirety, with prejudice, together with any such further and appropriate relief as this Court sees fit. Factual allegations from the Complaint, assumed true only for the purposes of the Motion, will be discussed and addressed in the Memorandum of Law.

10. Accordingly, for the reasons set forth in this Motion and accompanying papers, this Complaint must be dismissed.

Dated: June 13, 2025
Syracuse, New York



JONATHAN P. PILAT, ESQ.
Assistant Attorney General